

TOWNSHIP OF OCEAN
Zoning Board of Adjustment
Minutes
January 17th 2019
7:00 P.M.

PLEDGE OF ALLEGIANCE

The regular meeting of the Zoning Board of Adjustment was held on the above date and time;

STATEMENT: Pursuant to the provisions of the New Jersey, Open Public Meetings Act, sending copies of the notice of meeting properly provided adequate notice of the meeting to the Asbury Park Press and the Press of Atlantic City. Notice was posted on the bulletin board in the Administration Building.

ROLL CALL

Members Present:

David Bonnetti
Ronald Bruno
Anthony Calavano
Corliss, Thomas
Higgins, Brian
Petrosilli, John
Raymond Roskowski
Kelly Zuzic

Absent:

Ralph Dawes

Professionals:

Debra Rumpf & Jason Worth

MINUTES

The Chairman John Petrosilli asked for a motion to approve the Regular minutes of the meeting on December 20th 2018. Brian Higgins made a motion seconded by Thomas Corliss the motion. Roll Call: (Ayes) Higgins, Corliss, Bruno. Roskowski (Abstain David Bonnetti- call in error was not present at the November meeting)

BILLS

There were no bills to approve

CORRESPONDENCE:

None

MATTERS OF THE BOARD:

Chairman acknowledged the annual report for 2018.

BOARD COMMENTS:

None

RESOLUTIONS:

Resolution # 02-19-BA, 59 Jefferson St, Block 207 Lot 8, Donald Goldman, Front & rear yard setback
Chairman asked for a motion, Thomas Corliss made a motion to approve, Brian Higgins seconded the motion.
Roll Call (Ayes) Corliss, Higgins, Roskowski, Petrosilli

Resolution # 03-19-BA, 8 Point Rd, Block 239 Lot 69, Lisa Caulfield, lot size, width, coverage, side yard setback
Chairman asked for a motion, Brian Higgins made a motion to approve, Thomas Corliss seconded the motion.
Roll Call (Ayes) Higgins, Corliss, Roskowski, Petrosilli

Resolution # 04-19-BA, 159 Main St, Block 130 Lot 8.01, Michael Kaveney, Lot size, width, and front yard setback.
Chairman asked for a motion, Raymond Roskowski made a motion to approve, Brian Higgins seconded the motion.
Roll Call (Ayes) Roskowski, Higgins, Corliss, Petrosilli

OLD BUSINESS:

No old business

Chairman welcomed new members Kelly & Tony to the board.

NEW BUSINESS:

Docket # 10-18-BA, 29 Nautilus Rd, Block 96 Lot 37, Richard Krajunus,
Appeal the decision of the Administrating Officer, (Appeal a Substantial Damage Determination

Richard Krajunus was sworn in by the board attorney.

Debra Rumpf noted an error in the Engineering letter, Peter Chanchatis is a member of Rumpf Law & not the applicant's attorney.

Richard Krajunus stated the home in question is not able to be raised as is. Mr. Krajunus stated he believes the original estimates submitted to the township were inflated. He stated he was not the original owner of the property at the time of Superstorm Sandy.

Chairman inquired as to why the applicant waited so long to appeal, Mr. Krajunus stated they made the repairs to be able to live in the house until the FEMA timeframe was up.

Mr. Krajunus stated he did sign the acknowledgement form stating he could bring the home to a livable condition, but was still required to bring the home into compliance with the flood requirements by the date specified on his TCO. He stated he was aware of this before closing on the home.

Board Attorney stated the applicant depending on the closing clause may not have been able to get out of the contract by the time the letter was signed.

Board discussion took place on the MSL listing, it was noted there was no mention of a substantial damage determination. Brian Higgins confirmed the applicant did come to the construction office and was told by the Township there was a substantial damage letter before closing in 2016.

Mr. Krajunus stated the original estimate stated the HVAC, electrical wiring, bathroom fixtures, sheetrock, doors, and subfloors, fireplace needed to be replaced. He felt these items did not need to be replaced. Windows on the estimate were Anderson- he stated the windows on the home were not Anderson and were replaced by Home Depot free of charge as there was moisture in the pane. He also stated there was a deck on the estimate, but the home never had a deck.

Board Engineer stated the average of the 2 estimates given to the township was \$58,499 against an assessed value of \$85,500 rendering the home 68% damaged. He stated all cost should be included to bring the home back to its pre-sandy condition. Board Engineer explained to the board once the repair cost exceeds 50% of the assessed value of the structure only, it renders the home substantially damaged.

Mr. Krajunus stated the kitchen floor and cabinets were usable. He also stated sheathing & siding were mentioned but not needed, He felt the estimates were inflated to renovate the home to make it more modern and not to bring it back to its pre-sandy condition.

Mr. Higgins felt the insurance estimate was inflated, and Mr. Krajunus estimate may be slightly too low at \$16k. .

Board discussion took place on the whether or not the home as is would require flood insurance in the future. At this time it does not as it was a cash sale.

Board Engineer went over their review letter, he reminded the board the estimates should include all cost to bring it to PRE SANDY condition. It was noted the hardwood floor is under the laminate. The applicant did not feel the hardware cost should be included as he installed laminate over it.

Applicant provided photos of the home, they were marked in as A-1 through A-13. They were passed around for the board to see. The photos were taken by the applicant.

Board Engineer inquired as to whether or not the applicant knew or have paperwork on any amount of money spent before his purchase, he did not. Applicant stated he did not have proof as to what he spent, but he believes he spent around \$12k on repairs.

Discussion took place on the claim of the electrical wiring that needed to be replaced, applicant stated he did not feel it had to be.

Board Engineer discussed the Townships participation in the NFIP currently Waretown is a class 6, which entitles our residents to a 20% discount on flood insurance. He explained a substantial damage determination may be overturned, but should only be done in the cases where errors were made with the initial application.

Applicant stated the home went into foreclosure from the previous owner before the storm occurred.

Mr. Roskowski noted that in the applicant's cover letter, the MSL noted the home needed to be gutted. Applicant confirmed that is true. Mr. Higgins inquired as to the BFE of the home. Board engineer noted the BFE is 9 in the area, and he estimates the property in question is 6 feet below the current BFE.

Applicant noted again the home cannot be raised because it's on a slab. Mr. Higgins, & the Board Engineer confirmed you can raise homes on a slab.

Discussion took place, the board does not feel they have enough information to make a determination on the case.

Board Attorney noted any variance granted runs with the land, for the life of the land.

Board Engineer noted there is a large difference between the original estimates, and the work according to the applicant that did not need to be done.

The board felt they needed proof that items in question were in good working order and did not need to be replaced.

Applicant stated the township did come in and inspect the home. It was noted the applicant did take out permits, but the entire home was not inspected. Only items applied for on the permit were inspected, the Township did not inspect the HVAC equipment or the wiring throughout the home. The permits taken out were for smoke detectors, outlets, WH, kitchen cabinets, front door, and some framing & sheetrock.

It was noted that the Township can revoke the CO if the house is not brought into compliance by the date specified.

Board felt they did not have enough information to make a determination. The board is looking for testimony from professionals that the items not replaced are in working order.

Board discussion took place on the Townships LONI process. The original letter of no interest signed by the applicant, was passed around for board review.

Applicant stated the board members can inspect the work, board attorney strongly suggested the board members not enter the home.

It was suggested the applicant obtain legal counsel on the application.

Chairman asked for a motion to carry the application to the March meeting. Brian Higgins made a motion to carry, seconded by David Bonnetti Roll Call (ayes) Higgins, Bonnetti, Bruno, Corliss Roskowski, Zuzic, and Petrosilli

Application is carried to March, and does not need to be renoticed.

Applicant inquired as to whether or not the board can extend his TCO. The board does not have jurisdiction to extend a TCO.

It was noted the board members without ID's should report to the police station for a Township photo ID.

OPEN TO THE PUBLIC FOR GENERAL COMMENTS:

Seeing none

CLOSED TO THE PUBLIC FOR GENERAL COMMENTS:

Next Regular Meeting March 21st 2018

Motion to Adjourn

All in favor (Ayes)

Meeting Adjourned at 8:08 pm

Respectfully Submitted,
Stephine Capaccio
Board Secretary
SC